

A-2812 - Application No. 09/927,545  
Response to Office action June 5, 2008  
Response submitted September 4, 2008

Remarks/Arguments:

Reconsideration of the application is requested.

Claims 1-16 remain in the application. The specification has been amended so as to correct clerical errors. No new matter has been added.

In item 3 on page 2 of the above-identified Office action, the drawings have been objected to as failing to comply with 37 CFR 1.84(p)(5).

The Examiner stated that the drawing do not include "program point 20" at page 12, line 20-21 of the specification. The specification has been amended to replace "program point 20" with "program point 40", which is shown in Fig. 3. Therefore, the objection to the drawings by the Examiner has been overcome. Also, in the specification, program point "18" has been changed to program point "38" to correspond to the drawings.

Should the Examiner find any further objectionable items, counsel would appreciate a telephone call during which the matter may be resolved.

In item 5 on page 3 of the Office action, claims 1-9 and 11-16 have been rejected as being fully anticipated by Koakutsu et al. (U.S. Patent No. 5,987,224) (hereinafter "Koakutsu") under 35 U.S.C. § 102.

As will be explained below, it is believed that the claims were patentable over the cited art in their original form and the claims have, therefore, not been amended to overcome the references.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claims 1 and 9 call for, *inter alia*:

enabling the apparatus for switching an error mode on or off via the input unit, checking whether the error mode is switched on via the input unit, and producing an output signal in a method step and outputting the output signal as at least one of an optical or an acoustic signal if the error mode is switched on and not outputting the output signal if the error mode is not switched on.

Koakutsu discloses a printer and the control method therefor. The printer can be switched between an online state and an offline state and notifies a host device of the currently selected state. The control device of the printer switches the printer to the offline state if a sensor detects that the particular consumable material is not present, and selects the online function again when the sensor detects after switching to the offline state that the particular consumable material is again present and available for printing (abstract). In column 7, lines 1 to 14 of the specification, Koakutsu discloses the switching to the offline status after detecting with the sensor (29) that the printing material is running out. When the end of paper is reached the printer is switched over to the offline status. In column 12, lines 14 to 28 of the specification, Koakutsu discloses the possibility to stop the printing process without turning the printer power off. In this case, the printer can be switched manually to the offline state and then interrupts printing.

Lines 38 to 52 in column 13 of Koakutsu are related to the possibility to cancel a printing process in progress by issuing a real time command to clear print buffers in the printer. This is done by using a switch (14). After a particular standby period the user is reminded by an error

signal for example a buzzer or lighting of an LED that there is an error and printing cannot be resumed. However, this is the most important difference with respect to the present invention according to claims 1 and 9. Koakutsu does not disclose the apparatus is enabled for switching an error mode on or off via an input unit, and therefore, the user cannot switch the error mode on or off. Accordingly, Koakutsu does not disclose using an error mode wherein output signals indicating failures or errors are produced and stored and only output if the error mode is switched on.

In the present invention, if the error mode is not switched on output signals are produced but not output. Koakutsu discloses that if a certain situation happens (like the error mentioned in column 13, lines 38 to 52) the error signal is not only produced **but it is always output** in form of a buzzer or lighting of an LED. Therefore, it is not true that Koakutsu is related to checking whether the error mode is switched on. Instead, the paragraph in column 13 is **only** related to the conditions that have to be fulfilled to produce an error signal. Koakutsu discloses that the error signal is always output when produced. Therefore, Koakutsu always produces and outputs an error signal in form of a buzzer or lighting of an LED when an error happens. This is contrary to

the present invention as recited in claims 1 and 9, which always produces the output signal but only outputs the signal in form of an optical or acoustic signal if the error mode is switched on, otherwise the output signal is produced and stored but not shown to the user.

As seen from the above, given remarks, the reference does not show enabling the apparatus for switching an error mode on or off via the input unit, checking whether the error mode is switched on via the input unit, and producing an output signal in a method step and outputting the output signal as at least one of an optical or an acoustic signal if the error mode is switched on and not outputting the output signal if the error mode is not switched on, as recited in claims 1 and 9 of the instant application.

In item 15 on page 5 of the Office action, claim 10 has been rejected as being obvious over Koakutsu (U.S. Patent No. 5,987,224) under 35 U.S.C. § 103. Since claim 9 is allowable over Koakutsu, dependent claim 10 is also allowable over Koakutsu as well.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either

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show or suggest the features of claims 1 or 9. Claims 1 and 9 are, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claims 1 or 9, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 1-16 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel respectfully requests a telephone call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made.

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Please charge any other fees which might be due with respect  
to Sections 1.16 and 1.17 to the Deposit Account of Lerner  
Greenberg Stemmer LLP, No. 12-1099.

Respectfully submitted,

/Alfred K. Dassler/

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